IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 1401 of 2005.

State of Maharashtra. .Appellant

vs

R N Dighe and ors. ..Respondents

Ms P H Kantharia, Addl Public Prosecutor for State.

CORAM:V.G.PALSHIKAR, Acg, C.J.&
Smt. NISHITA MHATRE J.

DATE: SEPTEMBER 5, 2006.

P.C.:-

Perused the impugned order. Heard the Addl. Public Prosecutor. Scrutiny of the impugned order disclosed that the learned Magistrate has appreciated the evidence on record and has come to the conclusion that the accused are not proved to be guilty. According to the learned Addl. Public Prosecutor the recording of the evidence is faulty and the evidence is adequate enough to warrant conviction. Merely because a different view on repareciation of evidence is possible, according to the establish cannons of criminal jurisprudence, interference by the appeal court should be avoided. In such circumstances we see no reason to interfere with the impugned order. Application accordingly rejected.